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HSBC BANK USA, N.A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SHANNON MCDONALD,

Plaintiff,

vs.

HSBC BANK USA, N.A., and DOES 1
through 10, inclusive;

Defendants.

Case No. **'13CV0417 WQHWVG**

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(a)
OF DEFENDANT HSBC BANK USA,
N.A.**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant HSBC Bank USA, N.A. (“HSBC”), hereby removes to this Court the State Court action described below:

1. On November 5, 2012, an action was commenced in the San Diego County Superior Court, North County Judicial District, entitled Shannon McDonald v. HSBC Bank USA, N.A., Case No. 37-2012-00058369-CU-MC-NC. HSBC was not served with the Complaint.

2. On January 15, 2013, plaintiff Shannon McDonald (“Plaintiff”) filed a First Amended Complaint. HSBC was personally served with a copy of the Summons and First Amended Complaint on January 23, 2013. A true and correct copy of the Summons and First Amended Complaint are attached hereto as Exhibit “A.” HSBC filed its Answer to the First Amended Complaint in the Superior Court on February 21, 2013. A true and correct copy of the Answer is attached hereto as Exhibit “B.” HSBC has timely filed this Notice of Removal pursuant to 28 U.S.C. §1446(b) because it has filed it within 30 days of service of the First Amended Complaint.

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by HSBC pursuant to the provisions of 28 U.S.C. §1441(a), in that Plaintiff asserts two causes of action against HSBC for violation of the federal Telephone Consumer Protection Act, 47 U.S.C. §227 et seq. (“TCPA”). The United States Supreme Court recently confirmed that the TCPA’s permissive grant of jurisdiction to state courts does not deprive the United States district courts of federal-question jurisdiction over private TCPA suits, and that a TCPA claim, “in 28 U.S.C. §1331’s words plainly ‘aris[es] under’ the laws ... of the United States.” Mims v. Arrow Fin. Servs., LLC, 132 S. Ct. 740, 748 (2012).

Attorneys for Defendant
HSBC BANK USA, N.A.